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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,317	12/28/2001	Steve Craig Betz	PU010323	9657

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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,317

Applicant(s)

BETZ ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/04 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,075,575 A) in view of Bruette et al. (US 5,828,419A).

Regarding **claims 1 and 10**, Schein teaches an interactive television/broadcast system and corresponding method comprising:

a display screen (as shown in figures 4A-B);

an EPG (102, 104 – see figures 4A-B) having at least one display window (126 – see figure 4A-B) and a grid guide, the grid guide including a plurality of titled cells (106, 108 – see figures 4A-B) displayed on the display screen, wherein the EPG displays a video-clip preview in the least one display window (128 – see figures 4A-B) on demand by automatically launching

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the video clip preview (see col. 9, lines 38-41), after browsing and navigating through the grid guide to highlight a program titled cell (e.g., highlight a matrix 106), and after remaining at the highlighted program titled cell for a predetermined delay (for example, the EPG 102 displays a video clip preview in window 128 of the show that is currently being highlighted in show matrix 106. The video clip preview is displayed after its program title cell is highlighted and remaining the highlighted the program title cell for a short time – see figures 4A-B and col. 9, lines 38-44).

Schein further shows the menu option comprising parental controls as shown in figures 6B-C. Schein does not explicitly teach launching of the video clip preview is inhibited if a program corresponding to the video clip preview and corresponding to the highlighted program titled cell is restricted according to a user profile based parental control. However, Bruette teaches restricting viewing of a program or channel with lock icon 50 in a cell of the program guide according to restriction criteria of parental control (see col. 4, lines 5-20 and 39-56 and col. 5, lines 14-16 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program guide of Schein by restricting viewing of a program or channel with lock icon in a cell of the program guide according to restriction criteria of parental control as taught by Bruette in order to allow the viewer to readily and easily identify if the program or channel has been restricted from viewing.

Regarding **claims 19 and 20**, Schein teaches that the EPG (102, 104 - see in figure 4A-B) displays a video clip preview in window 128 of the show that is currently being highlighted in show matrix 106. Schein does not explicitly teach that the predetermined delay is at least one second. Official Notice is taken that it is well known in the art to remain the highlighting the grid of the EPG at least one second. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Schein by remaining the

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highlighting the grid of the EPG at least one second to allow the television receiver presenting the content in response to the highlighting of the selected program.

4. Claims 2-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,075,575 A) in view of Burette et al. (US 5,828,419A) and further in view of Rowe et al. (US 5,812,123 A).

Considering **claims 2 and 11**, Schein discloses the at least one display window includes a first display window (126) for displaying a currently tuned program and a second display window (128) for displaying the video clip preview (figures 4A & 4B and col. 9, lines 38-44).

However, Schein fails to specifically disclose an audio track of the video clip preview as recited in the claims. Rowe discloses an interactive television/broadcast system comprising an EPG display system (figures 2, 3, 4, 6, 7 or 8) having a video clip preview (92) and an audio track for the video clip preview that is heard by the subscriber (col. 14, lines 23-46). Rowe's system allows continuation of broadcast audio when the subscriber switches channels, informs/attracts the subscriber of promotional events in audio and promotes simple and convenient selection of desired programming (see col. 14, lines 23-36 and col. 4, lines 48-51).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include an audio track of the video clip preview, as taught by Rowe, for the advantages of allowing continuation of broadcast audio when the subscriber switches channels, attracting the subscriber of promotional events in audio and promoting simple and convenient selection of desired programming.

As for **claims 3, 4, 12 and 13**, the combined teachings of Schein, Bruette and Rowe fail to specifically disclose a still image of the video clip preview prior to the display of the video clip preview and displaying a loading message or icon representative of an imminent video clip as recited in the claims.

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Official Notice is taken that it is notoriously well known in the art to provide still images, loading messages or an icon representative of an imminent application, program or video on a display for the advantage of informing the viewer that a program is loading, executing or running and is about to occur. For example, impending information includes messages such as "Loading, please wait ...." or "Processing, please wait", the typical display of the hour glass icon when PC programs are loading and the display of static images.

It would have been obvious to one of ordinary skill in the art to modify the combined teachings of Schein, Bruette and Rowe to include a still image of the video clip preview prior to the display of the video clip preview and/or displaying a loading message or icon representative of an imminent video clip for the typical advantage of informing the viewer that a program is loading, executing or running and is about to occur.

**Claims 5 and 14** are met by the combined teachings of Schein, Bruette and Rowe, wherein Schein discloses navigation and selection within the preview window as disclosed throughout the entire reference including but not limited to col. 3, lines 3-8, col. 5, lines 56-65 and col. 9, lines 43-44.

5. Claims 6, 7, 9 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Bruette and Rowe and further in view of Reynolds (6,563,515).

Considering claims **6 and 15**, the combined teachings of Schein, Bruette and Rowe disclose a remote control device including navigation buttons for navigating and browsing through the grid guide (see Schein at column 4, line 10 - column 6, line 11 and figure 1. See Rowe at column 9, lines 1-65).

However, the combined teachings of Schein, Bruette and Rowe fail to specifically disclose a remote control device comprising a preview button for selecting to display the video clip preview as recited in the claims.

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Reynolds discloses an interactive television/broadcast system comprising an EPG having a first display window (77) (col. 8, lines 38-48) for displaying a currently tuned program, a second display window (80) (col. 9, lines 60-67) for displaying a video clip preview and a remote control device (50, figure 4) having a preview button (56) for selecting to display the video clip preview on the display screen (col. 7, lines 28-31 and col. 9, line 60 - col. 10, line 10).

It would have been obvious to one of ordinary skill in the art to modify the combined teachings of Schein, Bruette and Rowe to include a remote control device comprising a preview button for selecting to display the video clip preview, as taught by Reynolds, for the advantage of facilitating the user with an easy way to make a selection of an item, option or a function on a display with the use of an input device.

**Claims 7, 16 and 17** are met by the combined teachings of Schein, Bruette, Rowe and Reynolds, wherein Schein discloses a remote control having a record button (figure 1) for operating a VCR (82, figure 3) as disclosed at col. 4, line 47 - col. 5, line 5 and col. 14, lines 1-9.

Regarding **claim 9**, the combined teachings of Schein, Bruette and Rowe fail to disclose program titled cells having associated therewith a video clip preview distinguished in appearance from other program titled cells not having an associated video clip preview as recited in the claims.

Reynolds discloses an interactive television/broadcast system comprising an EPG having a first display window (77) (col. 8, lines 38-48) for displaying a currently tuned program, and second display window (80) (col. 9, lines 60-67) for displaying a video clip preview, wherein program titled cells having an associated video clip preview has an icon (79). Note that the other program titled cells not having an associated video clip preview does not have an icon (79). See col. 10, lines 21-32. Reynold's system informs the viewer of the status (i.e. availability) of preview programs.

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It would have been obvious to one of ordinary skill in the art to modify the combined teachings of Schein, Bruette and Rowe to include program titled cells having associated therewith a video clip preview distinguished in appearance from other program titled cells not having an associated video clip preview, as taught by Reynolds, for the advantage of informing the viewer of the availability of preview programs.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Examiner  
Art Unit 2611

November 8, 2004